

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

REGINALD SWAIN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-05-1448-F
	)	
MICHAEL OFSAK, et al.,	)	
	)	
Defendant.	)	

**ORDER**


On July 11, 2006, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation (doc. no. 13), wherein he recommended that the above-entitled action be dismissed without prejudice because plaintiff failed to serve the summons and complaint upon defendants within 120 days as required by Fed. R. Civ. P. 4(m), plaintiff failed to show good cause for the lack of service, and a permissive extension of time is not warranted. In the Supplemental Report and Recommendation, Magistrate Judge Purcell specifically advised plaintiff of his right to file an objection by July 31, 2006, and that failure to make timely objection waives his right to appellate review of both factual and legal issues therein contained.

To date, plaintiff has not filed any objection to the Supplemental Report and Recommendation and has not filed any request for an extension of time to file any objection. With no objection being filed by plaintiff, the court accepts, adopts, and affirms the Supplement Report and Recommendation in its entirety.

Accordingly, the Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell (doc. no. 13) is **ACCEPTED, ADOPTED,** and **AFFIRMED.**

The above-entitled action is **DISMISSED WITHOUT PREJUDICE.** Judgment shall issue forthwith.

DATED this 15<sup>th</sup> day of August, 2006.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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